

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference DAW1313	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US 03/2671	International filing date (day/month/year) 13.10.2003	Priority date (day/month/year) 24.10.2002
International Patent Classification (IPC) or both national classification and IPC B05B7/24		
Applicant 3M INNOVATIVE PROPERTIES COMPANY et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 11 sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 13.05.2004	Date of completion of this report 28.02.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Innecken, A Telephone No. +49 89 2399-8911 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US 03/32671

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1, 8-19	as originally filed
2-7	received on 09.12.2004 with letter of 06.12.2004
20	received on 14.02.2005 with letter of 10.02.2005

Claims, Numbers

1-20	received on 14.02.2005 with letter of 10.02.2005
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Drawings, Sheets

1/12-12/12	as originally filed
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2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-20
	No: Claims	
Inventive step (IS)	Yes: Claims	1-20
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US 03/32671

Novelty, inventive step and industrial applicability (Item V)

1. Independent claims 1 and 20 meet the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.
2. The subject-matter of independent claims 1 and 20 is novel as none of the prior art documents cited in the Search Report or acknowledged in the description discloses all of the features of these independent claims.
3. The documents cited in the Search Report do not render any suggestion to a skilled person to construct a liquid spraying apparatus as disclosed in DE4302911 according to the further features of either of independent claims 1 and 20. The features concerning the mutual arrangement of the spray gun and the spray head i.e. "the spray gun body being connected to and disconnected from the spray head body together with the trigger mechanism and needle, and the air outlets being provided on the spray head at the front end of the spray head body such that the air outlets and spray nozzle are connected to and disconnected from the spray gun body together with the spray head body", result from a step being non-obvious in view of the cited prior art documents in which no incentive is given to provide this specific structure and arrangement. Thus the liquid spraying apparatus and the spray head, respectively, according to independent claims 1 and 20 involves an inventive step.
4. The liquid spraying apparatus and the spray head, respectively, of independent claims 1 and 20 is able to work and can be manufactured. Thus the subject-matter of claims 1 and 20 is looked upon as being industrially applicable.
5. Dependent claims 2 to 19 define further advantageous and non-obvious variations of the liquid spraying apparatus according to independent claim 1 and thus equally meet the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US 03/32671

Certain observations on the international application

6. The vague and imprecise statement in the description on page 20, lines 10 and 11 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, part II, 5.30).